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13 **UNITED STATES DISTRICT COURT**  
14 **CENTRAL DISTRICT OF CALIFORNIA**  
15 **WESTERN DIVISION**

16 ROBERT HUNTER BIDEN, an  
17 individual,  
18  
19 Plaintiff,  
20  
21 vs.  
22 PATRICK M. BYRNE, an individual,  
23  
24 Defendant.

Case No. 2:23-cv-09430-SVW-PD

**PLAINTIFF ROBERT HUNTER  
BIDEN'S SUPPLEMENTAL  
OPPOSITION TO DEFENDANT'S  
MOTION IN LIMINE NO. 1 TO  
EXCLUDE EXPERT TESTIMONY  
OR OPINION BY PLAINTIFF'S  
WITNESSES**

Date: July 21, 2025  
Time: 3:00 P.M.  
Place: Ctrm. 10A

Judge: Hon. Stephen V. Wilson

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

By this motion, Defendant Patrick M. Byrne (“Defendant”) seeks to exclude expert opinion about Plaintiff Robert Hunter Biden (“Plaintiff”) suffering from emotional distress as a result of the defamatory statements made by Defendant by Plaintiff’s treating physician, Dr. Alyssa Berlin, and asserts that Plaintiff is attempting to “backdoor” expert opinion through Dr. Berlin. That is not true and in fact, Plaintiff has removed Dr. Berlin from his witness list as he does not intend to offer any expert testimony regarding emotional distress or from Dr. Berlin on any subject. Accordingly, this motion should be denied as the request is moot.

**II. ARGUMENT**

Motions in limine are procedural devices to obtain an early and preliminary ruling on the admissibility of evidence. *United States v. Heller*, 551 F.3d 1108, 1111 (9th Cir. 2009). When an issue in the case that is the subject of a motion in limine has become moot, that is grounds to deny the motion. *Id.* Trial courts have broad discretion when ruling on motions in limine. *See Jenkins v. Chrysler Motors Corp.*, 316 F.3d 663, 664 (7th Cir. 2002). However, “a motion in limine should not be used to resolve factual disputes or weigh evidence.” *C & E Servs., Inc. v. Ashland Inc.*, 539 F.Supp.2d 316, 323 (D.D.C. 2008).

To exclude evidence on a motion in limine, the evidence must be “clearly inadmissible on all potential grounds.” *Matrix Int’l Textile, Inc. v. Monopoly Textile, Inc.*, 2017 WL 2929377, at \*1 (C.D. Cal. May 14, 2017) (citation omitted). “Unless evidence meets this high standard, evidentiary rulings should be deferred until trial so that questions of foundation, relevancy and potential prejudice may be resolved in proper context.” *Id.* (citation omitted). This is because although rulings on motions in limine may save “time, cost, effort and preparation, a court is almost always better situated during the actual trial to assess the value and utility of evidence.” *Id.* (citation omitted).

1 Plaintiff has de-designated Dr. Berlin as a witness in this case and does not plan  
2 to introduce any expert testimony or expert opinions of any kind. Therefore  
3 Defendant's Motion in Limine No. 1 is moot.

4 **III. CONCLUSION**

5 For the foregoing reasons, the Court should deny Defendant's Motion In  
6 Limine No. 1.

7 Dated: June 30, 2025

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10 By: /s/ Zachary C. Hansen

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